

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

**DRAFT
10.19.15**

Bill 5

*Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\Wildfire Matters
Review Committee\Bills\Bill 5_16-0274.wpd*

LLS NO. 16-0274.01 Kate Meyer x4348

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Fire Prevention & Control Adv Cmt Recommendations"

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF CERTAIN RECOMMENDATIONS**
102 **MADE BY THE ADVISORY COMMITTEE TO THE DIRECTOR OF THE**
103 **DIVISION OF FIRE PREVENTION AND CONTROL ON WILDLAND**
104 **FIRE AND PRESCRIBED FIRE MATTERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. The advisory committee to the director of the division of fire prevention and control on wildland

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

fire and prescribed fire matters made various recommendations to the wildfire matters review committee during the 2015 legislative interim. The bill implements the following recommendations:

- **Sections 1 and 3** allow the general assembly to appropriate revenues collected for insurance premium taxes to the local firefighter safety and disease prevention fund (fund);
- **Section 1** provides for transfers of insurance premium tax moneys, in the amount of \$3.25 million, to the fund in both state fiscal years 2015-16 and 2016-17;
- **Section 2** clarifies that "obstacles", as that term is used under existing law criminalizing obstruction of certain law enforcement and emergency service personnel, includes drones.
- **Sections 4 and 5** transfer \$3 million to the wildfire risk reduction fund, half from tier 2 of the severance tax operational fund and half from the general fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-3-209, **amend** (4)
3 (a) (II); and **add** (4) (c) as follows:

4 **10-3-209. Tax on premiums collected - exemptions - penalties**
5 **repeal.** (4) (a) The division of insurance shall transmit all taxes,
6 penalties, and fines it collects under this section to the state treasurer for
7 deposit in the general fund; except that the state treasurer shall deposit
8 amounts in the specified cash funds as follows:

9 (II) In the wildfire emergency response fund created in section
10 24-33.5-1226, C.R.S., ~~and~~ the wildfire preparedness fund created in
11 section 24-33.5-1227, C.R.S., AND THE LOCAL FIREFIGHTER SAFETY AND
12 DISEASE PREVENTION FUND CREATED IN SECTION 24-33.5-1231, C.R.S.,
13 the amount of the taxes, penalties, and fines that the general assembly
14 appropriates to each of the cash funds.

15 (c) (I) NO LATER THAN JUNE 30, 2016, THE STATE TREASURER
16 SHALL TRANSFER THREE MILLION TWO HUNDRED FIFTY THOUSAND

1 DOLLARS FROM THE MONEYS COLLECTED UNDER THIS SECTION TO THE
2 LOCAL FIREFIGHTER SAFETY AND DISEASE PREVENTION FUND CREATED IN
3 SECTION 24-33.5-1231, C.R.S.

4 (II) NO LATER THAN JUNE 30, 2017, THE STATE TREASURER SHALL
5 TRANSFER THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS
6 FROM THE MONEYS COLLECTED UNDER THIS SECTION TO THE LOCAL
7 FIREFIGHTER SAFETY AND DISEASE PREVENTION FUND CREATED IN
8 SECTION 24-33.5-1231, C.R.S.

9 (III) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2018.

10 **SECTION 2.** In Colorado Revised Statutes, 18-8-104, **amend** (5)
11 (b); and **add** (5) (c) as follows:

12 **18-8-104. Obstructing a peace officer, firefighter, emergency**
13 **medical services provider, rescue specialist, or volunteer - definitions.**

14 (5) For purposes of this section, unless the context otherwise requires:

15 (b) ~~"Rescue specialist" means a member of a public or private~~
16 ~~rescue agency, whether that person is a volunteer or receives~~
17 ~~compensation for services rendered as such rescue specialist~~ "OBSTACLE"
18 INCLUDES A NONGOVERNMENTAL UNMANNED AERIAL VEHICLE,
19 COMMONLY REFERRED TO AS A "DRONE".

20 (c) "RESCUE SPECIALIST" MEANS A MEMBER OF A PUBLIC OR
21 PRIVATE RESCUE AGENCY, WHETHER THAT PERSON VOLUNTEERS OR
22 RECEIVES COMPENSATION FOR SERVICES RENDERED AS A RESCUE
23 SPECIALIST.

24 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1231,
25 **amend** (1) as follows:

26 **24-33.5-1231. Local firefighter safety and disease prevention**
27 **fund - creation - grants - rules.** (1) There is hereby created in the state

1 treasury the local firefighter safety and disease prevention fund. The fund
2 consists of all moneys that may be appropriated to the fund by the general
3 assembly, all private and public moneys received through gifts, grants, or
4 donations that are transmitted to the state treasurer and credited to the
5 fund, and all moneys transferred to the fund pursuant to ~~section~~ SECTION
6 10-3-209 OR 34-63-102 (5.4) (b) (II), C.R.S. The state treasurer shall
7 credit all interest earned from the investment of moneys in the fund to the
8 fund. The moneys in the fund are hereby continuously appropriated to the
9 division for the purposes indicated in this section. Any moneys not
10 expended at the end of each fiscal year remain in the fund and shall not
11 be transferred to or revert to the general fund.

12 **SECTION 4.** In Colorado Revised Statutes, 36-7-405, **amend** (2)
13 as follows:

14 **36-7-405. Wildfire risk reduction fund - creation - transfer -**
15 **repeal.** (2) (a) (I) On July 1, 2013, the state treasurer shall transfer from
16 the general fund to the wildfire risk reduction fund the sum of nine
17 million eight hundred thousand dollars.

18 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2016.

19 (b) (I) ON JULY 1, 2016, THE STATE TREASURER SHALL TRANSFER:

20 (A) FROM THE SEVERANCE TAX OPERATIONAL FUND AS SPECIFIED
21 IN SECTION 39-29-109.3 (2) (t), C.R.S., TO THE WILDFIRE RISK REDUCTION
22 FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

23 (B) FROM THE GENERAL FUND TO THE WILDFIRE RISK REDUCTION
24 FUND THE SUM OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

25 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2018.

26 **SECTION 5.** In Colorado Revised Statutes, 39-29-109.3, **add** (2)
27 (t) as follows:

1 **39-29-109.3. Severance tax operational fund - repeal.**

2 (2) Subject to the requirements of subsections (3) and (4) of this section,
3 if the general assembly chooses not to spend up to one hundred percent
4 of the moneys in the operational fund as specified in subsection (1) of this
5 section, the state treasurer shall transfer the following:

6 (t) (I) TO THE WILDFIRE RISK REDUCTION FUND CREATED IN
7 SECTION 36-7-405, C.R.S., ONE MILLION FIVE HUNDRED THOUSAND
8 DOLLARS ON JULY 1, 2016.

9 (II) THIS PARAGRAPH (t) IS REPEALED, EFFECTIVE JULY 1, 2018.

10 **SECTION 6. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.